

## FORTY-FIFTH DAY

(Wednesday, April 2, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Resolution Adopted by State Democratic Executive Committee

Senator Lovelady submitted at this time (as a memorial) a resolution adopted on March 29, 1941, by the Democratic Executive Committee of Texas, which was ordered printed in the Journal and which was read to the Senate, as follows:

Whereas, Every loyal American is faced with the necessity of doing his part toward preparing the Nation for a life and death struggle to maintain the American Way of Life in a world where dictators have unleashed all the horrors of war into which we may be precipitated at any moment, we believe that all thoughtful and patriotic citizens, realizing the seriousness of this situation, vigorously condemn any interference with the grim program of national defense; and

Whereas, We are convinced that a great majority of those who labor and those who employ labor are loyal and

patriotic in their effort to aid in National Defense; and

Whereas, With the fateful tragedy of France before us, it would be the height of folly to permit subversive acts or selfish class struggles to impede our program to have ready all continuing sinews of war when our boys are ordered to take their stations on the battle front for Democracy; therefore, be it

Resolved, That the Democratic Executive Committee of Texas heartily commends the courageous action of Governor W. Lee O'Daniel in recommending to the prompt attention of the Legislature the necessity of adequate legislation, and the House of Representatives in passing such legislation to punish labor racketeers and unscrupulous employers for taking a cruel advantage of the Nation's dire necessity to force patriotic citizens in the ranks of labor to bend to their nefarious and most selfish schemes or be inhumanly mauled, beat up and terrorized—thus brushing aside all orderly processes of government by such ruthless gangster tactics; and, be it further

Resolved, That Congressman Hatton W. Sumners deserves the unstinted praise of this committee for his patriotic and courageous speech warning the Nation of the perils of obstructionism.

Presented by:

W. M. HOFFMAN,  
E. A. BOSL.

#### Reports of Standing Committees

Senator Mauritz submitted the following reports:

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

S. B. No. 247, A bill to be entitled "An Act amending Article 249a, Acts of 1937, Forty-fifth Legislature, page 1279, Chapter 478, Section 6; providing further that certain public buildings may be constructed only when plans have been prepared by, and the construction is supervised by a registered architect; amending Section 23 of said Article by adding a new paragraph relating to violations and penalties; providing certain ex-

emptions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

MAURITZ, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

S. B. No. 292, A bill to be entitled "An Act to create a Governor James Stephen Hogg Memorial Shrine; providing for the appointment of a commission to administer its affairs; to accept gifts for the purpose of carrying out the provisions of this Act; making an appropriation for the expense of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

MAURITZ, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. C. R. No. 24, Providing for the appointment of a committee to investigate the securing of an additional State building.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. C. R. No. 74, Authorizing the State Highway Department of Texas

to lend a quantity of discarded guard wire to several schools in Stephens County.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. C. R. No. 75, Authorizing the lending by State Highway Department of guard wire to Granbury Independent School District.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Senator Ramsey submitted the following reports:

Floor Committee,  
Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 409, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature, as amended by Chapter 4, Special Laws passed at the Regular Session of the Forty-sixth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million (\$15,000,000.00) Dol-

lars, according to the last approved tax rolls; . . . and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Floor Committee,  
Austin, Texas,  
April 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 360, A bill to be entitled "An Act authorizing the commissioners' court of each county in this State having a population of not less than eleven thousand five hundred forty (11,540) nor more than eleven thousand five hundred seventy (11,570), and twelve thousand three hundred eighty (12,380) nor more than twelve thousand three hundred ninety (12,390), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the county; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Weinert submitted the following reports:

Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 78, A bill to be entitled "An Act to provide for agreements between the commissioners' court of any county in this State, for and on behalf of the county and political subdivisions thereof, and the United States, relative to resettlement of rural rehabilitation projects, and providing for

the payment by the United States to the county of sums in lieu of taxes; defining the duties of the County Treasurer pertaining to such agreement and to the apportionment of payments from the United States thereunder; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 371, A bill to be entitled "An Act authorizing independent school districts and cities which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 201, A bill to be entitled "An Act amending Section 11, of Article 2351, of the Revised Civil Statutes of Texas, 1925, pertaining to the powers and duties of commissioners' courts by adding thereto a provision authorizing the commissioners' court to appropriate money not exceeding Fifty Thousand (\$50,000.00) Dollars, out of the General Fund, to lend to

or deposit with any agency of the State of Texas, or of the United States, to aid and assist in carrying out the purposes and provisions of an Act of Congress, etc., pertaining to and distribution of surplus agricultural commodities, etc."

Have had the same under consideration and do hereby recommend that the same do not pass, but that the committee substitute hereto attached do pass in lieu of the original bill and that the committee substitute only be printed.

WEINERT, Chairman.

Senator Smith submitted the following reports:

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 356,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 370,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 315,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 313,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 282,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 252,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 412,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 439,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 243,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 473,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 314,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 411,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Senator Moore submitted the following reports:

Senate Chamber,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 95, A bill to be entitled "An Act amending Chapter 13, Acts, Third Called Session of the Forty-second Legislature, as amended; declaring the policy of the State with reference to financing the construction of county lateral roads; defining certain terms used throughout the Act; creating the Board of County and District Road Indebtedness, and prescribing the powers, duties, and obligations of said board; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 327, A bill to be entitled "An Act amending Chapter 13, Acts, Third Called Session of the Forty-second Legislature, as amended; declaring the policy of the State with reference to building, maintaining and financing State designated roads; defining certain terms used throughout the Act; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 406, A bill to be entitled "An Act to amend the subject matter embraced in Section 9 of Chapter 482, General and Special Laws, Forty-fourth Legislature, Third Called Session, as amended by Section 6, Chapter 2, Title: Labor, General Laws, Forty-sixth Legislature, Regular Session; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 800, A bill to be entitled "An Act making unlawful the use of force or violence or threats thereof to prevent or attempt to prevent any person from engaging in any lawful vocation and providing penalties for the violation thereof; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Lemens submitted the following reports:

Austin, Texas,  
April 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 215, A bill to be entitled "An Act to amend Article 438 of the Penal Code of the State of Texas,

1925, so as to provide that the Nepotism Law shall not apply in cases where the person employed or working has been so engaged and actually serving at least two years prior to the election of any officer related to the person thus affected; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Austin, Texas,  
April 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 170, A bill to be entitled "An Act repealing Article 705, Chapter 1, Title 12, of the Penal Code of 1925 and amendments thereto, being Article 705b, Chapter 1, Title 12, of the Penal Code, H. B. No. 646, page 707, Chapter 356 of the General Laws of the Forty-fifth Legislature, Regular Session, and Article 705c, Chapter 1, Title 12, of the Penal Code, H. B. No. 142, page 231, Chapter 8, of the General Laws of the Forty-sixth Legislature, Regular Session; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Austin, Texas,  
April 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 373, A bill to be entitled "An Act further regulating the prescribing of liquor for medicinal purposes and the transportation, storage, and sale thereof by amending subsections (11) and (18) of Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by the addition of a new subsection (19) to said Section 15, Ar-

ticle I; prescribing penalties; providing saving clauses; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Austin, Texas,  
April 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 227, A bill to be entitled "An Act repealing Articles 1322 and 1323 of the Penal Code of the State of Texas, Revision of 1925; prohibiting the wilfull and malicious burning, or aiding or abetting or assisting or advising or encouraging in the burning, by any person of any insured personal property owned by himself, or of any personal property belonging to another, of a value exceeding Twenty-five (\$25.00) Dollars; prescribing a penalty for the violation of the provisions of this Act; prohibiting the wilfull and malicious burning, or aiding or abetting or assisting or advising or encouraging in the burning, by any person of any personal property belonging to another of a value exceeding Twenty-five (\$25.00) Dollars; etc.; prescribing a penalty for violation of the provisions of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Senator Brownlee submitted the following report:

Austin, Texas,  
April 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 407, A bill to be entitled "An Act to create Road District No. Seven of Lavaca County, Texas; defining its boundaries; conferring upon said road district all the rights, pow-

ers, privileges and duties now conferred and imposed by the General Laws of Texas upon road districts; providing that any territory within the bounds of said district, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory; enacting provisions incidental and necessary to the subject and purpose of this Act; authorizing and empowering the Commissioners' Court of Lavaca County, Texas, to proceed in the issuance of bonds of said district created by this Act in the manner provided by General Law for the issuance of road district bonds in ordinary road districts; providing that nothing in this Act shall be construed as affecting the organization and establishment of Road District No. 2, of Lavaca County, Texas, as created by Chapter 390, of the Special Laws passed by the Thirty-ninth Legislature of this State, at its First Called Session in 1926 (A portion of the territory of said district being included in Section 1, of this Act), but the said road district No. 2 shall continue to operate as a defined road district over the territory included within its limits, described and defined in that certain order of the Commissioners' Court of Lavaca County, Texas, passed and adopted by said court on the 14th day of April, 1919, recorded in Book M, page 160, et seq., of the minutes of the commissioners' court of said county, and to which order reference is made by said Chapter 390, creating the said road district No. 2; and nothing herein shall be construed as prohibiting the territory now included within said road district No. 2 from hereafter issuing road bonds on its faith and credit, within the limitations prescribed by Section 52, Article 3, of the Constitution of this State; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

#### Senate Bill 413 on First Reading

Senator Graves moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The following bill then was introduced, read first time and referred to the Committee on Banking:

By Senator Graves:

S. B. No. 413, A bill to be entitled "An Act to amend Article 2465, Revised Civil Statutes of 1925, as amended by Acts of the Forty-first Legislature, Regular Session, 1929, Chapter 17, page 46, Section 1, as amended by Acts of the Forty-first Legislature, Second Called Session, page 168, Chapter 85, Section 1, providing for books and records to be kept by credit unions, for supervision and examination of credit unions by competent person or persons designated by the banking commissioner, by one or more credit union examiners appointed by the banking commissioner, or by certain employees of the banking department; fixing maximum fees to be charged for such services and a method handling such monies collected from the credit unions; and declaring an emergency."

#### Senate Resolution 80

Senator Hill offered the following resolution:

Whereas, The maintenance of democratic institutions depends upon a free and untrammelled vote by the electorate, and it has always been recognized that the interference in elections by large and selfishly interested financial groups was contrary to the best interests of the public and subversive of the will of the people, and has a tendency to corrupt public offi-

cials and prevent a free discharge of their duties; and

Whereas, It is a matter of common knowledge that the election laws of the State of Texas, and particularly those with reference to the expenditure of money in political campaigns have been ignored, and that vast sums of money aggregating many thousands of dollars in excess of the legal limit are being spent by and in behalf of candidates for public office, and it being a matter of common knowledge that such money has come, in many instances, from corporations in violations of the laws of the State of Texas and contrary to public policy until such expenditure of money has become scandalous; now, therefore, be it

Resolved by the Senate of the State of Texas, That a committee of five (5) members of this body be appointed by the Lieutenant Governor, and that such committee be and the same is hereby directed immediately to:

1. Ascertain the aggregate amount, so far as it is capable of being determined, of money spent in radio advertising by the candidates in the last primary election for State office.

2. The aggregate amount of money spent by or in behalf of candidates for State office for newspaper advertising, for printing, stationery and supplies, for office help and for such other personal help and for any and all other help for which compensation was paid.

3. The aggregate amount expended by the candidates for State office for headquarters expense, telegraph and telephone charges, for transportation and any and all other expenses not herein specifically set out.

4. The reasonable value of services or other things or articles of value other than money contributed to candidates for public office insofar as possible and by whom contributed.

5. Determine whether or not the election laws have been violated.

The committee is authorized to adopt its own rules of procedure and to hold both public and executive hearings as in the judgment of the committee may be deemed expedient.

The committee is authorized to issue process for witnesses and is empowered with the authority to subpoena all books, correspondence, records and memoranda which may be essential to the inquiry herein provided



for, and to employ the necessary clerical and stenographic assistance, and to secure the services of investigator or investigators as in the wisdom of the committee may be necessary; and be it further

Resolved, That there is hereby appropriated out of the Contingent Expense Fund of the Forty-seventh Legislature to the use of said committee for the purpose of defraying necessary expenses incident for mileage and for the employment of stenographic and clerical hire and for the payment of fees for investigation and cost of investigation and other expenses incident to the inquiry not to exceed the sum of Twenty-five Hundred (\$2500.00) Dollars. Such expenses to be paid upon sworn account of the persons entitled to such pay when approved by the chairman of said committee. The committee is empowered, when it deems necessary, to subpoena witnesses under process and to allow such witnesses the same mileage and per diem as allowed witnesses in trial cases in the district court; and, be it further

Resolved, That the committee is directed to make a report of its findings to the Regular Session of the Forty-seventh Legislature, and to prepare a bill or bills to prevent corrupt practices in elections and/or to revise the present election laws to the end that the purity of the ballot may be maintained; and, be it further

Resolved, That the original transcript of the testimony taken by the committee be filed with the Secretary of the Senate, and one copy thereof be filed with the State Librarian.

HILL,  
FAIN,  
COTTEN,  
SMITH,  
LOVELADY,  
MAURITZ,  
LANNING,  
SULAK,  
CHADICK,  
GRAVES,  
METCALFE.

The resolution was read.

Senator Hill asked unanimous consent to consider the resolution immediately.

The President announced there was objection to the request.

Senator Hill moved that the resolution be considered immediately.

The motion prevailed by the following vote:

Yeas—17

Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Ramsey
Formby	Smith
Graves	Stone
Hill	Sulak
Lanning	Van Zandt
Lovelady	

Nays—7

Aikin	Weinert
Isbell	Winfield
Moore	York
Vick	

Absent

Beck	Lemens
Hazlewood	Martin
Kelley	Shivers

Absent—Excused

Spears

The President laid the resolution before the Senate for consideration at this time.

Senator Shivers moved to refer the resolution to the Committee on State Affairs.

Senator Hill moved to table the motion to refer.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17

Aikin	Mauritz
Cotten	Metcalfe
Fain	Moffett
Formby	Ramsey
Graves	Smith
Hill	Sulak
Lanning	Van Zandt
Lemens	Winfield
Lovelady	

Nays—9

Beck	Moore
Brownlee	Shivers
Chadick	Vick
Isbell	Weinert
Kelley	York
Martin	

Absent

Hazlewood	Stone
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Absent—Excused

Spears

Senator Shivers moved to refer the resolution to Committee on Privileges and Elections.

Senator Hill moved to table the motion to refer to the Committee on Privileges and Elections.

The motion to table prevailed by the following vote:

Yeas—16

Aikin	Lemens
Beck	Lovelady
Brownlee	Mauritz
Cotten	Metcalf
Fain	Ramsey
Graves	Sulak
Hill	Van Zandt
Lanning	Winfield

Nays—12

Chadick	Moore
Formby	Shivers
Isbell	Smith
Kelley	Vick
Martin	Weinert
Moffett	York

Absent

Hazlewood	Stone
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Absent—Excused

Spears

Question recurring on the resolution, it was adopted.

**Senate Bills Tabled Subject to Call**

On motion of Senator Metcalfe, Senate Bills Nos. 180, 134, and 317 were tabled subject to call.

**Senate Bill 376 Rereferred**

On motion of Senator Weinert, S. B. No. 376 was rereferred from the Committee on Civil Jurisprudence to the Committee on Highways and Motor Traffic.

**Message from the House**

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
April 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 238, A bill to be entitled "An Act declaring the policy of the

State with reference to building, maintaining and financing military roads; authorizing the payment out of the county and road district highway fund of certain bonds which have been or may be issued by counties and road districts where the proceeds of such bonds may be used in the construction of military roads; and declaring an emergency."

H. B. No. 444, A bill to be entitled "An Act to amend H. B. No. 20, Acts of the Forty-sixth Legislature, Regular Session, reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts; providing the manner of election of members of the State Soil Conservation Board; fixing the terms of office and defining the powers and duties of said members of said State Soil Conservation Board; providing for the creation of county soil conservation committees; defining the duties and compensation of the members thereof; providing for the compensation of members of the State Soil Conservation Board; providing for the method by which vacancies on the State Soil Conservation Board shall be filled; providing for the creation of soil conservation districts; providing the manner of selection of the supervisors of said soil conservation districts; defining the powers, duties, and compensation of said supervisors acting for and through such soil conservation districts; providing for the removal of supervisors; providing the manner of filling vacancies; providing for a board of adjustment of three (3) members and fixing the method of appointment, the term of office, the duties, and compensation of board of adjustment members; providing for removal of officers under certain conditions and the filling of vacancies; providing for the creation of a special fund to be known as the 'State Soil Conservation Fund' and appropriating such fund to the State Soil Conservation Board to be used in the administration of this Act; providing for a biennial audit and report to be made to the Governor of the State; providing an appropriation for the use of the State Board; providing the proper method of enforcement of

such programs and regulations as may be promulgated by the several districts described herein; providing method by which soil conservation districts may be discontinued; repealing S. B. No. 227, Regular Session, Forty-fourth Legislature, page 504; providing that H. B. No. 13, Acts of the Forty-second Legislature, Regular Session, and H. B. No. 978, Regular Session, Forty-fourth Legislature, and S. B. No. 386, Acts of the Forty-fifth Legislature, Regular Session, shall be specifically preserved; providing that this Act shall be supplementary and complementary to all present laws, except those specifically repealed by this Act; providing this Act shall not impair nor impinge upon the rights, powers, and functions of certain districts; providing separability clause; and declaring an emergency."

H. B. No. 549, A bill to be entitled "An Act making specific appropriation out of the General Fund of the State of Texas, not otherwise appropriated, to pay a judgment obtained by W. S. Hale and wife, against the State of Texas under the authority of S. B. No. 197, Chapter 72, Special Laws of the Regular Session of the Forty-second Legislature, authorizing the said W. S. Hale and wife to sue the State of Texas for the recovery of damages resulting from overflow of their lands arising out of the construction of temporary dumps or roadbeds by the State through its Highway Department; directing the Comptroller of the State of Texas to issue warrant on the State Treasury in favor of W. S. Hale and wife, in the sum of the judgment rendered by the Supreme Court of Texas in the suit of W. S. Hale and wife against the State of Texas brought under the authority of S. B. No. 197; and declaring an emergency."

H. J. R. No. 17, Proposing an amendment to the Constitution of the State of Texas to provide for a State Land Bank which shall make loans to aid citizens of Texas to purchase a farm homestead.

H. J. R. No. 23, Proposing an amendment to Article 3 of the Constitution of the State of Texas authorizing the lending of Two Million (\$2,000,000.00) Dollars of the Permanent School Fund for the construction of a State office building, or buildings; providing for repayment to the Permanent School Fund; providing for the submission of this Amendment to the

voters of this State; and providing for the necessary proclamation and expenses of publication.

H. J. R. No. 24, A joint resolution proposing an amendment to Section 22 of Article V of the Constitution of Texas by adding thereto authority for the Legislature to increase, diminish or change the probate or other jurisdiction of the county court and to create additional courts having either exclusive or concurrent jurisdiction with the county court in such matters.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Report of Conference Committee on Senate Bill 70

Senator Moffett submitted the following report of the Conference Committee on S. B. No. 70:

Austin, Texas,  
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee appointed to adjust the differences between the Senate and the House on S. B. No. 70, have had same under consideration and have adjusted the differences and recommend the passage of the attached bill.

MOFFETT,  
VICK,  
VAN ZANDT,  
LEMENS,

On the part of the Senate,  
WINFREE,  
TAYLOR,  
CRAIG,  
HALSEY,

On the part of the House.

By Senator Moffett:

S. B. No. 70, A bill to be entitled "An Act to amend Section 8 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, providing for the exemption for prescribing, administering, dispensing or selling at retail, certain specified medicinal preparations containing small amounts of certain named drugs, so that the same shall provide for the exception from the provisions of said Act the prescription, administration and sale at retail of any medicinal preparations containing not more

than one (1) grain of codeine or of any of its salts, subject to certain conditions; providing for the repeal of Section 1 of S. B. No. 70, Regular Session, Forty-seventh Legislature, and stating the effective date of said repeal; providing for re-enactment of Section 8 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, with the exception of the sub-section of Section 8, which refers to the sale of cannabis, and fixing the effective date of said reenactment; and to amend sub-section (1) of Section 9 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, providing that persons authorized to administer or professionally use narcotic drugs shall keep a record; and providing for certain exceptions wherein no record need be kept by such persons of the narcotic drugs so administered, dispensed or professionally used; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Section 8 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts 1937, Chapter 169, be, and the same is hereby amended so as to hereafter read as follows:

"Section 8. (Preparations exempted). Except as otherwise in this Act specifically provided, this Act shall not apply to the following cases:

"Administering, dispensing, or selling at retail of any medicinal preparation that contains in one (1) fluid ounce, or if a solid or semi-solid preparation, in one (1) avoirdupois ounce, not more than one (1) grain of codeine or any of its salts.

"The exemption authorized by this Section shall be subject to the following conditions: (1) that the medicinal preparation administered, dispensed, or sold, shall contain in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and (2) that such preparation shall be administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this Act.

"Nothing in this Section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use

of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this Act."

"Section 1-a. On and after September 1, 1943, Section 1 of S. B. No. 70, Regular Session, Forty-seventh Legislature, is repealed, and in lieu thereof this Section 1-a shall prevail and be in lieu thereof. And on and after September 1, 1943, Section 8 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, as amended by S. B. No. 70, Regular Session, Forty-seventh Legislature, be and the same is hereby further amended so as to read as follows on and after September 1, 1943:

"Section 8. (Preparations Exempted). Except as otherwise in this Act specifically provided, this Act shall not apply to the following cases:

"(1) Prescribing, administering, dispensing, or selling at retail of any medicinal preparation that contains in one (1) fluid ounce, or if a solid or semi-solid preparation, in one (1) avoirdupois ounce, (a) not more than two (2) grains of opium, (b) not more than one-quarter ( $\frac{1}{4}$ ) of a grain of morphine or of any of its salts, (c) not more than one (1) grain of codeine or of any of its salts, (d) not more than one-eighth ( $\frac{1}{8}$ ) of a grain of heroin or of any of its salts, (e) and not more than one (1) of the drugs named above in clauses (a), (b), (c), and (d).

"(2) Prescribing, administering, dispensing, or selling at retail of liniments, ointments, and other preparations, that are susceptible of external use only and that contain narcotic drugs in such combinations as prevent their being readily extracted from such liniments, ointments, or preparations, except that this Act shall apply to all liniments, ointments, and other preparations, that contain cocoa leaves in any quantity or combination.

"The exemptions authorized by this Section shall be subject to the following conditions:

"(a) No person shall prescribe, administer, dispense, or sell under the exemptions of this Section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this Section, when he knows, or can by reasonable diligence ascertain, that such prescribing, administering, dispensing, or

selling will provide the person to whom or for whose use, or the owner of the animal for the use of which such preparation is prescribed, administered, dispensed, or sold, within any forty-eight (48) consecutive hours, with more than four (4) grains of opium, or more than one-half ( $\frac{1}{2}$ ) grain of morphine or of any of its salts, or more than two (2) grains of codeine or of any of its salts, or more than one-quarter ( $\frac{1}{4}$ ) of a grain of heroin or of any of its salts, or will provide such person or the owner of such animal, within forty-eight (48) consecutive hours, with more than one preparation exempted by this Section from the operation of this Act.

"(b) The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this Act.

"Nothing in this Section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this Act."

Sec. 2. That sub-section (1) of Section 9 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, be, and the same is hereby amended so as to hereafter read as follows:

"Section 9. (Record to be kept). (1) (Physicians, Dentists, Veterinarians, and other authorized persons). Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this sub-section if any such person using small quantities of solutions or other prepa-

rations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up by him, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

"Provided, that no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one (1) patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight (48) consecutive hours, (a) four (4) grains of opium, or (b) one-half ( $\frac{1}{2}$ ) of a grain of morphine or of any of its salts, or (c) two (2) grains of codeine or of any of its salts, or (d) one-fourth ( $\frac{1}{4}$ ) of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated."

Sec. 3. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. The fact that the present laws of the State of Texas are now entirely insufficient and inadequate for the proper control of narcotics, and the further fact that it is necessary to conserve the present supply of narcotics as far as possible and to prevent the obtaining of a supply of narcotics from illicit sources; and the further fact that there has been a recent heavy increase in the volume of sales of some drug preparations containing appreciable amounts of narcotics, because these preparations can be purchased without a prescription, and the fact that such unrestricted sale of same tends to furnish too easy an opportunity for former narcotic addicts to obtain such an amount of narcotic as often causes them to revert to their former state of addiction, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

### Appointment of Special Committee

In accordance with the provisions of S. R. No. 80, adopted today, the President announced the appointment of the following special committee:

Senators Hill, Beck, Chadick, Smith and Van Zandt.

### Motion to Take up House Bill 800

Senator Smith moved that the regular order of business be suspended, to permit consideration of H. B. No. 800 at this time.

Question—Shall the motion prevail?

### Executive Session

On motion of Senator Martin, and by unanimous consent, the Senate, at 11:05 o'clock a. m., went into executive session for the purpose of considering nominations by the Governor.

Accordingly, the floor and galleries were cleared of those not entitled to attend the executive session, and the doors leading from the Senate Chamber were closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk the following nominations of the Governor had been confirmed by the Senate:

To be Chairman and Director of the Texas Unemployment Compensation Commission for a six year term expiring November 21, 1946:

Claude A. Williams of Austin, Travis County.

To be Members of the Board of Public Welfare:

Marvin Leonard of Fort Worth, Tarrant County (Six year term expiring January 20, 1945);

Frank S. Roberts of Breckenridge, Stephens County (To fill out unexpired term of Beeman Strong, resigned, term to expire January 20, 1943).

To be Members of the State Board of Registration for Professional Engineers for six year terms expiring September 24, 1945:

Carl Lars Svensen of Lubbock, Lubbock County;

Allin F. Mitchell of Corsicana, Navarro County.

The Secretary also reported the confirmation by the Senate of the following nomination:

To be Executive Director of the State Department of Public Welfare, appointed September 4, 1940:

John S. Murchison, of Navarro County.

The Secretary of the Senate further reported that the following nominations of the Governor had been rejected by the Senate:

To be a Member of the Livestock Sanitary Commission to fill the unexpired term of R. H. Martin, deceased, term to expire May 4, 1941:

J. Evetts Haley of Houston, Harris County, Texas.

To be Life Insurance Commissioner and Chairman of the Board of Insurance Commissioners to fill the unexpired term of Walter Woodward, deceased, term to expire February 10, 1945:

Reuben Williams of Fort Worth, Tarrant County.

### Message from the House

The Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
April 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 242, A bill to be entitled "An Act to amend Article 1813, Revised Civil Statutes of Texas 1925, as amended by Acts 1936, Forty-fourth Legislature, Third Called Session, page 2108, Chapter 509, as amended by Acts 1937, Forty-fifth Legislature, page 297, Chapter 154, so as to add thereto a provision for the appointment of a special commissioner to serve with and assist a court of civil appeals where a member thereof is called or ordered into active military service of the United States; providing for the appointment of such special commissioner by the Governor, under certain defined circumstances; defining the duties, compensation, and term of office of such special commissioner; providing that nothing in this Act shall be considered as giving any two members of any court of civil appeals or the Governor the power or authority to remove or suspend any member of the court of civil appeals

from his office, or to in any manner interfere with him in his constitutional rights and powers; providing that if any part of this Act is held unconstitutional, the valid portion of the same is intended to be enacted; and providing for an emergency."

S. B. No. 43, A bill to be entitled "An Act to amend Section 1, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, as amended by Section 1, Chapter 23, Acts 1929, Forty-first Legislature, Fifth Called Session, defining 'Commercial Motor Vehicle'; Section 6, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of commercial motor vehicles; Section 7, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of road tractors; Section 8, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of trailers or semi-trailers; Section 8A, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of motor busses; Section 8B, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prohibiting registration of commercial motor vehicles size of which are illegal with certain exceptions; repealing all laws in conflict herewith; and declaring an emergency."

As amended.

Respectfully submitted,  
E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Motion to Take up House Bill 800

The Senate resumed consideration of the pending motion by Senator Smith to suspend the regular order of business, to take up H. B. No. 800 on its second reading and passage to third reading.

Question—Shall the motion to suspend the regular order of business prevail?

#### Adjournment

Senator Cotten moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 1:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### FORTY-SIXTH DAY

(Thursday, April 3, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Reports of Standing Committees

Senator Aikin submitted the following report:

Austin, Texas,  
April 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 345, A bill to be entitled "An Act making an emergency appropriation for the remaining portion of the fiscal year ending August 31, 1941, to assist in the maintenance of a newly established quarantine patrol station necessary to the enforcement of the provisions of Act, 1929, Forty-First Legislature, Second Called Session, page 21, Chapter 15, H. B. No. 140, and to pay salaries of quarantine inspectors for the operation of this station and of agents of the Department of Agriculture, etc. and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-